

(4) the Department of State should continue to warn and protect Americans overseas at holy sites and regions of historical and religious significance; and

(5) we should condemn all violence directed against holy sites.

SEC. 2. DEFINITION OF HOLY SITE.

As used in this resolution, "holy site" means a historic location specifically set apart for religious purposes.

AMENDMENTS SUBMITTED & PROPOSED

SA 435. Mr. STEVENS proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

SA 436. Mr. STEVENS (for himself, Mr. INOUE, Mr. DURBIN, Mr. WARNER, Mr. CHAMBLISS, Ms. MIKULSKI, Mrs. DOLE, Mr. DASCHLE, Mr. CORZINE, Mr. LEVIN, Mrs. BOXER, and Mrs. CLINTON) proposed an amendment to the bill S. 762, supra.

SA 437. Mr. DURBIN (for himself and Mr. LEVIN) proposed an amendment to amend SA 436 proposed by Mr. STEVENS (for himself, Mr. INOUE, Mr. DURBIN, Mr. WARNER, Mr. CHAMBLISS, Ms. MIKULSKI, Mrs. DOLE, Mr. DASCHLE, Mr. CORZINE, Mr. LEVIN, Mrs. BOXER, and Mrs. CLINTON) to the bill S. 762, supra.

SA 438. Mrs. CLINTON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 439. Mrs. FEINSTEIN (for herself, Ms. MIKULSKI, Mr. DODD, and Mr. DAYTON) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 440. Mr. REID (for himself, Mrs. CLINTON, Mr. SCHUMER, Mr. LIEBERMAN, and Ms. STABENOW) proposed an amendment to the bill S. 762, supra.

SA 441. Mr. LEAHY (for himself, Mr. CRAIG, Mr. KERRY, Mr. SCHUMER, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. LINCOLN, Mr. HARKIN, Mr. PRYOR, Mr. SARBANES, Mrs. MURRAY, Mr. WARNER, Mr. GRASSLEY, Mr. FEINGOLD, Mr. JEFFORDS, Mr. CRAPO, Ms. CANTWELL, Mr. KENNEDY, Mr. KOHL, Mrs. FEINSTEIN, Mr. WYDEN, Mr. ALLEN, Mr. BAUCUS, Mr. CORZINE, Mr. LAUTENBERG, Mr. JOHNSON, Mr. REID, Mrs. CLINTON, Mr. CAMPBELL, Mr. LIEBERMAN, Mr. DAYTON, Mr. COLEMAN, Ms. SNOWE, Mr. CHAFEE, Mr. REED, Mr. ALLARD, Mr. BURNS, Mr. DORGAN, Mr. LUGAR, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. ROBERTS, Ms. LANDRIEU, Mr. LEVIN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 442. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 443. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 444. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 445. Mr. HOLLINGS (for himself, Ms. STABENOW, Mrs. BOXER, Mr. SCHUMER, Mr. GRAHAM of Florida, Mr. KERRY, and Mr. BREAUX) proposed an amendment to the bill S. 762, supra.

SA 446. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 447. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 448. Mr. KERRY (for himself, Ms. SNOWE, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 449. Mrs. FEINSTEIN (for herself, Mr. BINGAMAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 450. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 451. Mr. ALLARD (for himself, Mr. WARNER, Mr. PRYOR, Mr. MCCAIN, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mrs. DOLE, Mr. CHAMBLISS, Mr. NELSON of Florida, Mr. CORZINE, Mr. CORNYN, Mrs. CLINTON, Ms. COLLINS, Mr. LIEBERMAN, and Mr. DODD) proposed an amendment to the bill S. 762, supra.

SA 452. Ms. LANDRIEU proposed an amendment to the bill S. 762, supra.

SA 453. Mr. ALLEN (for himself, Mr. HARKIN, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 454. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 455. Mr. KOHL (for himself, Mr. LEAHY, Mr. BYRD, Mr. BIDEN, Mrs. MURRAY, Mr. HARKIN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 456. Mr. MCCAIN proposed an amendment to the bill S. 762, supra.

SA 457. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 458. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 459. Mr. GRAHAM of Florida (for himself, Mr. KERRY, Ms. MIKULSKI, Mrs. MURRAY, Mr. DORGAN, Mr. DAYTON, Mr. DASCHLE, Mr. JOHNSON, Ms. LANDRIEU, Mr. LAUTENBERG, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 460. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 461. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 462. Mr. CORZINE (for himself and Mr. EDWARDS) proposed an amendment to the bill S. 762, supra.

SA 463. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 464. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 465. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 466. Mr. SMITH (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 467. Mr. KYL (for himself and Mr. CAMPBELL) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 468. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 469. Mr. FRIST (for Ms. COLLINS (for himself, Mr. CARPER, and Mr. LIEBERMAN)) proposed an amendment to the bill S. 380, to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

SA 470. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 435. Mr. STEVENS proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

Section 3101 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(d) The National Debt Ceiling of the United States shall be increased by the total amount of funds appropriated by Act of Congress for the Department of Defense, Department of Homeland Security or any other Agency of government to prosecute the war against terrorism, the war in Afghanistan, the war in Iraq, since September 11, 2001.

SA 436. Mr. STEVENS (for himself, Mr. INOUE, Mr. DURBIN, Mr. WARNER, Mr. CHAMBLISS, Ms. MIKULSKI, Mrs. DOLE, Mr. DASCHLE, Mr. CORZINE, Mr. LEVIN, Mrs. BOXER, and Mrs. CLINTON) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of chapter 3 of title I add the following:

(a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code, is amended by striking "\$150" and inserting "\$225".

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States Code, is amended by striking "\$100" and inserting "\$250".

(c) EXPIRATION.—(1) The amendment made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on Oct. 1, 2002 and shall apply with respect to months beginning on or after that date.

SA 437. Mr. DURBIN (for himself and Mr. LEVIN) proposed an amendment to amendment SA 436 proposed by Mr. STEVENS (for himself, Mr. INOUE, Mr. DURBIN, Mr. WARNER, Mr. CHAMBLISS, Ms. MIKULSKI, Mrs. DOLE, Mr. DASCHLE, Mr. CORZINE, Mr. LEVIN, Mrs. BOXER, and Mrs. CLINTON) to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

In the amendment strike all after the first word and insert the following:

(a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code, is amended by striking “\$150” and inserting “\$250”.

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States Code, is amended by striking “\$100” and inserting “\$250”.

(c) EXPIRATION.—(1) The amendment made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

SA 438. Mrs. CLINTON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page ___, between lines ___ and ___, insert the following:

SEC. ___. REPORTING REQUIREMENT.

(a) IN GENERAL.—Any Federal agency, including the Department of Defense and the Agency for International Development, which contracts with a private company for a reconstruction project in Iraq shall submit a report to Congress not later than 30 days after the execution each such contract if—

(1) the amount of the contract is greater than \$10,000,000; and

(2) the procurement process underlying the contract was not subject to standard competitive bidding procedures.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) the terms of the contract;

(2) the reasons the agency did not use standard competitive bidding procedures; and

(3) a description of how the agency identified and solicited companies to perform the functions required by the contract.

SA 439. Mrs. FEINSTEIN (for herself, Ms. MIKULSKI, Mr. DODD, and Mr. DAYTON) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, after line 10, insert the following:

ADDITIONAL AMOUNTS

SEC. ___. For an additional amount, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404-405), and Reorganization Plan No. 3 of 197, \$200,000,000, to remain available until expended. *Provided*, That this amount shall be for grants to improve public safety communications and interoperability.

SEC. ___. For an additional amount, not otherwise provided for, to carry out activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 (including administrative costs), \$200,000,000, to remain available until expended. *Provided*, That this amount shall be for the COPS Interoperable Communications Technology Program to provide grants to improve public safety communications and interoperability.

SA 440. Mr. REID (for himself, Mrs. CLINTON, Mr. SCHUMER, Mr. LIEBERMAN, and Ms. STABENOW) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 18, line 8, strike all that follows through page 20, line 10 and insert the following:

CHAPTER

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

Operations and Maintenance, General

For an additional amount for homeland security expenses, for “Operations and Maintenance, General”, \$29,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for homeland security expenses, for “Water and Related Resources”, \$25,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for “Science” for emergency expenses necessary to support safeguard and security activities, \$10,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY

ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for “Weapons Activities” for emergency expenses necessary to safeguard nuclear weapons and nuclear material \$70,000,000 to remain available until expended: *Provided*, That \$30,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further*, That \$40,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex, including at least \$15,000,000 for cyber security.

NUCLEAR NONPROLIFERATION

For an additional amount for “Nuclear Nonproliferation” for emergency expenses necessary to safeguard fissile nuclear material, \$300,000,000, to remain available until expended: *Provided*, That \$135,000,000 of the funds provided shall be available for the development of nuclear detectors at mega seaports, in coordination with the Department of Homeland Security Bureau of Customs and Border Protection: *Provided further*, That \$40,000,000 of the funds provided shall be available for detection and deterrence of radiological dispersal devices: *Provided further*, That \$20,000,000 of the funds provided shall be available for nonproliferation assistance to nations other than the Former Soviet Union: *Provided further*, That \$20,000,000 of the funds provided shall be available for nonproliferation forensics and attribution: *Provided further*, That \$15,000,000 of the funds provided shall be available for nuclear nonproliferation verification program, including \$2,500,000 for the Caucasus Seismic Network: *Provided further*, That \$12,000,000 of the funds provided shall be available for nonproliferation assistance to Russian strategic rocket forces: *Provided further*, That \$10,000,000 of the funds provided shall be available for the packaging and disposition of any nuclear material found in Iraq: *Provided further*, That \$10,000,000 of the funds provided shall be available for nuclear material detection materials and devices: *Provided further*, That \$10,000,000 of the funds provided shall be available for lower yield nuclear detection: *Provided further*, That \$10,000,000 of the funds provided shall be available for nuclear material characterization: *Provided further*, That \$5,000,000 of the funds provided shall be available for a radionuclide deployable analysis system: *Provided further*, That \$5,000,000 of the funds provided shall be available for U.S. export control nuclear security: *Provided further*, That \$5,000,000 of the funds provided shall be available for international export control cooperation activities: *Provided further*, That \$2,000,000 of the funds provided shall be available for support of proliferation analyses in post-war Iraq: *Provided further*, That \$1,000,000 of the funds provided shall be available for vulnerability assessments of spent nuclear fuel casks.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for “Defense Environmental Restoration and Waste Management”, or emergency expenses necessary to support safeguards and security activities at nuclear and other facilities, \$15,000,000, to remain available until expended.

DEFENSE FACILITY CLOSURE PROJECTS

For an additional amount for “Defense Facility Closure Projects” for emergency expenses necessary to support safeguard and security activities at nuclear and other facilities, \$5,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for “Other Defense Activities”, \$18,000,000, to remain available until expended, for increased safeguard and security of Department of Energy facilities and personnel, including intelligence and counterintelligence activities: *Provided*, That this amount shall be available for transfer to other accounts within the Department of Energy for other expenses necessary to support elevated security conditions 15 days after notification to the Congress of the proposed transfers.

SA 441. Mr. LEAHY (for himself, Mr. CRAIG, Mr. KERRY, Mr. SCHUMER, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. LINCOLN, Mr. HARKIN, Mr. PRYOR, Mr. SARBANES, Mrs. MURRAY, Mr. WARNER, Mr. GRASSLEY, Mr. FEINGOLD, Mr. JEFFORDS, Mr. CRAPO, Ms. CANTWELL, Mr. KENNEDY, Mr. KOHL, Mrs. FEINSTEIN, Mr. WYDEN, Mr. ALLEN, Mr. BAUCUS, Mr. CORZINE, Mr. LAUTENBERG, Mr. JOHNSON, Mr. REID, Mrs. CLINTON, Mr. CAMPBELL, Mr. LIEBERMAN, Mr. DAYTON, Mr. COLEMAN, Ms. SNOWE, Mr. CHAFEE, Mr. REED, Mr. ALLARD, Mr. BURNS, Mr. DORGAN, Mr. LUGAR, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. ROBERTS, Ms. LANDRIEU, Mr. LEVIN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . USE OF ORGANICALLY PRODUCED FEED FOR CERTIFICATION AS ORGANIC FARM.

Section 771 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003 (division A of Public Law 108-7) is repealed.

SA 442. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, line 5, before the “.” insert the following:

On page 46, line 13, strike “\$106,060,000” and insert “\$117,060,000”.

Provided further, That of the amount made available under this heading, \$10,000,000 to remain available until September 30, 2004, shall only be available for incorporation of additional technologies for disseminating terrorism warnings within the All Hazards Warning Network.

SA 443. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At an appropriate place, insert the following:

SEC. . (a) None of the funds appropriated or otherwise made available by this Act for purposes of reconstruction in Iraq may be obligated or expended to pay any person who is a citizen of a country named in subsection (b), any person that is organized under the laws of such a country, any person that is affiliated with a person organized under the laws of such a country, or any person that is

owned by a person organized under the laws of such a country.

(b) Subsection (a) applies with respect to France and Germany.

(c) Subsection (a) does not apply to an individual employed by the United Nations or any other international organization, or by a nongovernmental organization operated on a not-for-profit basis, with respect to the performance of the duties of the individual's position of employment with the United Nations, such other international organization, or such nongovernmental organization.

(d) Subsection (a) does not apply to a person who is a citizen of the United States or that is organized under the laws of the United States.

SA 444. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . For an additional amount for the law enforcement technology program under the heading “Community Oriented Policing Services” in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003, \$5,000,000 for the Louisville-Jefferson County, Kentucky Public Safety Communications System to implement a common interoperable voice and data communications system for public safety organizations in the metropolitan area.

SA 445. Mr. HOLLINGS (for himself, Ms. STABENOW, Mrs. BOXER, Mr. SCHUMER, Mr. GRAHAM of Florida, Mr. KERRY, and Mr. BREAUX) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the appropriate place insert the following:

**DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD
OPERATING EXPENSES**

For an additional amount for “Operating Expenses”, \$93,000,000, to remain available until December 31, 2003, of which not less than \$50,000,000 shall be for port vulnerability assessments and the port vulnerability assessment program, and not less than \$7,000,000 shall be for the purchase of radiation detection equipment, and not less than \$36,000,000 shall be for the establishment of Maritime Safety and Security Teams.

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for “Acquisition, Construction and Improvements”, \$57,000,000, to remain available until December 31, 2003, to implement the Automated Identification System and other tracking systems designed to actively track and monitor vessels operating in United States waters.

**BORDER AND TRANSPORTATION SECURITY
CUSTOMS AND BORDER PROTECTION**

For an additional amount for “Customs and Border Protection”, \$160,000,000, to re-

main available until December 31, 2003, of which not less than \$110,000,000 shall be for the deployment and installation of portal screening equipment at our Nation's seaports, and of which not less than \$50,000,000 shall be for the evaluation and implementation, in coordination with the Transportation Security Administration, to secure systems of transportation such as the Container Security Initiative and the Customs-Trade Partnership Against Terrorism.

TRANSPORTATION SECURITY ADMINISTRATION

For an additional amount for “Salaries and Expenses”, \$680,000,000, to remain available until December 31, 2003, of which not less than \$600,000,000 shall be available for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, and not less than \$30,000,000 shall be for continued development and implementation of the Transportation Worker Identification Card as well as for background checks of transportation workers who work in secure areas or who work with sensitive cargo or information, and not less than \$50,000,000 shall be for the evaluation and implementation, in coordination with the Bureau of Customs and Border Protection, of secure systems of transportation such as Operation Safe Commerce.

**FEDERAL LAW ENFORCEMENT TRAINING
CENTER**

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$10,000,000, to remain available until September 30, 2004, for the development of seaport security training programs, and for equipment and personnel to provide training to Federal, State and local law enforcement agencies and, notwithstanding any provision of law, private security personnel performing seaport security functions.

SA 446. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, line 5, before the “.” insert the following:

On page 46, line 13, strike “\$106,060,000” and insert “\$117,060,000”.

Provided further, That of the amount made available under this heading, \$10,000,000 to remain available until September 30, 2004, shall only be available for incorporation of additional technologies for disseminating terrorism warnings within the All Hazards Warning Network.

SA 447. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. . The Secretary of the Army, acting through the Chief of Engineers, shall use previously provided funds to expeditiously complete dam safety and seepage stability correction measures for the Waterbury Dam, VT project.

SA 448. Mr. KERRY (for himself, Ms. SNOWE, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

Insert at the appropriate place in the bill:

SEC. ____ . Section 624 of division B of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7), is amended by inserting before the period at the end: “and, effective as of October 1, 2002, by inserting ‘and subject to the provisions of Public Law 108-8,’ after ‘until expended.’”.

SA 449. Mrs. FEINSTEIN (for herself, Mr. BINGAMAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, after line 6, insert the following:

ADDITIONAL AMOUNTS

SEC. ____ . For an additional amount for the Department of Justice \$315,000,000 shall be made available for the State Criminal Alien Assistance Program (SCAAP) to restore funding for fiscal year 2003 to the fiscal year 2002 level of \$565,000,000.

SA 450. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 13 strike the period and add the following “: *Provided further*, That of the funds appropriated under this heading \$4.3 million shall be made available to the Agency for International Development Office of Inspector General for the purpose of monitoring and auditing expenditures for Iraqi Reconstruction: *Provided further*, That such sums are in addition to funds otherwise made available to the Office of the Inspector General.”

SA 451. Mr. ALLARD (for himself, Mr. WARNER, Mr. PRYOR, Mr. MCCAIN, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mrs. DOLE, Mr. CHAMBLISS, Mr. NELSON of Florida, Mr. CORZINE, Mr. CORNYN, Mrs. CLINTON, Ms. COLLINS, Mr. LIEBERMAN, and Mr. DODD) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS AT UNITED STATES AIR FORCE ACADEMY

SEC. 501. ESTABLISHMENT OF PANEL.

(a) ESTABLISHMENT.—There is established a panel to review allegations of sexual misconduct allegations at the United States Air Force Academy.

(b) COMPOSITION.—The panel shall be composed of seven members, appointed by the Secretary of Defense from among private United States citizens who have knowledge or expertise in matters relating to sexual assault, rape, and the United States military academies.

(c) CHAIRMAN.—The Secretary of Defense shall, in consultation with the Chairmen of the Committees on Armed Services of the Senate and House of Representatives, select the Chairman of the panel from among its members under subsection (b).

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(e) MEETINGS.—The panel shall meet at the call of the Chairman.

(f) INITIAL ORGANIZATION REQUIREMENTS.—(1) All original appointments to the panel shall be made not later than May 1, 2003.

(2) The Chairman shall convene the first meeting of the panel not later than May 2, 2003.

SEC. 502. DUTIES OF PANEL.

(a) IN GENERAL.—The panel established under section 501(a) shall carry out a study in order to determine responsibility and accountability for the establishment or maintenance of an atmosphere at the United States Air Force Academy that was conducive to sexual misconduct (including sexual assaults and rape) at the United States Air Force Academy.

(b) REVIEW.—In carrying out the study required by subsection (a), the panel shall—

(1) the actions taken by United States Air Force academy personnel and other Department of the Air Force officials in response to allegations of sexual assaults at the United States Air Force Academy;

(2) review directives issued by the United States Air Force pertaining to sexual misconduct at the United States Air Force Academy;

(3) review the effectiveness of the process, procedures, and policies used at the United States Air Force Academy to respond to allegations of sexual misconduct;

(4) review the relationship between—

(A) the command climate for women at the United States Air Force Academy; and

(B) the circumstances that resulted in sexual misconduct at the Academy; and

(5) review, evaluate, and assess such other matters and materials as the panel considers appropriate for the study.

(c) REPORT.—(1) Not later than 90 days after its first meeting under section 501(f)(2), the panel shall submit to the President, the Secretary of the Air Force, and Congress a report on the study required by subsection (a).

(2) The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

SEC. 503. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—(1) Members of the panel established under section 501(a) shall serve without pay by reason of their work on the panel.

(2) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this title.

(b) TRAVEL EXPENSES.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

SA 452. Ms. LANDRIEU proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

In chapter 3 of title I, under the heading “PROCUREMENT”, insert after the matter relating to “PROCUREMENT, DEFENSE-WIDE” the following:

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for “National Guard and Reserve Equipment”, \$1,047,000,000.

SA 453. Mr. ALLEN (for himself, Mr. HARKIN, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ____

“28 U.S.C. Section 1605 is amended by adding, at the end, a new subsection “(h)” that reads:

“(h) Any United States citizen, and their immediate family at the time, shall have a claim for money damages against a foreign state, as authorized by subsection (a)(7), for death or personal injury (including economic damages, solatium, pain and suffering) caused by the foreign state’s act of torture, extrajudicial killing, aircraft sabotage, or hostage taking. This subsection abrogates any other provision of law and any international agreement that purports to bar, preclude, terminate, extinguish, or suspend the claim. This subsection is retroactive to November 1, 1979.”

SA 454. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

Section 501(b) of title V of division N of the Consolidated Appropriations Resolution, 2003 is amended—

(1) by striking “program authorized for the fishery in Sec. 211” and inserting “programs authorized for the fisheries in sections 211 and 212”; and

(2) by striking “program in section 211” and inserting “programs in sections 211 and 212”.

SA 455. Mr. KOHL (for himself, Mr. LEAHY, Mr. BYRD, Mr. BIDEN, Mrs. MURRAY, Mr. HARKIN, and Mr. NELSON of Florida) submitted an amendment

intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, after line 7, insert the following:

“PUBLIC LAW 480 TITLE II GRANTS
(INCLUDING TRANSFER OF FUNDS)

For additional expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior year's costs, including interest thereon, under the Agricultural Trade Development Act of 1954, \$600,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act. *Provided*, That of this amount, \$155,000,000 shall be used to restore funding for previously approved fiscal year 2003 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: *Provided further*, That of the funds provided under this heading, the Secretary of Agriculture shall transfer to the Commodity Credit Corporation such sums as are necessary to acquire, and shall acquire, a quantity of commodities for use in administering the Bill Emerson Humanitarian Trust in an amount equal to the quantity allocated by the Corporation pursuant to the release of March 19, 2003, and the release of March 20, 2003. *Provided further*, That the authority contained in 7 U.S.C. 1736f-1(c)(4) shall not apply during fiscal year 2003 for any release of commodities after the date of enactment of this Act.”.

SA 456. Mr. McCAIN proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 42, strike lines 16 through 22.

SA 457. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 13, strike “\$106,060,00” and insert “\$117,060,000”. On page 47, line 5, before “.” insert the following “: *Provided further*, That of the amount made available under this heading, \$10,000,000 to remain available until September 30, 2004, shall only be available for the incorporation of additional technologies for disseminating terrorism warnings within the All Hazards Warning Network”.

SA 458. Mr. WYDEN. (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 15, insert before “Section” the following:

“In addition to amounts otherwise available for water and related resources, not to exceed \$3,000,000, the Secretary of Interior shall make available reimbursement for operation and maintenance costs to eligible producers in the Klamath Basin, pursuant to Public Law 107-349, the Klamath Basin Emergency Operation and Maintenance Re-fund Act of 2002;”

SA 459. Mr. GRAHAM of Florida (for himself, Mr. KERRY, Ms. MIKULSKI, Mr. MURRAY, Mr. DORGAN, Mr. DAYTON, Mr. DASCHLE, Mr. JOHNSON, Ms. LANDRIEU, Mr. LAUTENBERG, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF VETERANS AFFAIRS
VETERANS HEALTH ADMINISTRATION
MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and for furnishing recreational facilities, supplies, and equipment incident to the provision of hospital care, medical services, and nursing home care authorized by section 1710(e)(1)(D) of title 38, United States Code, \$375,000,000; *Provided*, That such amount shall remain available until expended.

SA 460. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EXTENSION OF ENERGY SAVINGS PERFORMANCE CONTRACTING AUTHORITY.

Section 801 (c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is amended by striking “October 1, 2003” and inserting “December 31, 2004.”

SA 461. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, between lines 3 and 4, insert the following:

(e) LIVESTOCK COMPENSATION PROGRAM.—Section 203(a) of the Agricultural Assistance Act of 2003 (title II of division N of Public

Law 108-7)) is amended by adding at the end the following:

“(3) GRANTS.—

“(A) IN GENERAL.—To provide assistance to eligible applicants under paragraph (2)(B), the Secretary shall provide grants to appropriate State departments of agriculture (or other appropriate State agencies) that agree to provide assistance to eligible applicants.

“(B) AMOUNT.—The total amount of grants provided under subparagraph (A) shall be equal to the total amount of assistance that the Secretary determines all eligible applicants are eligible to receive under paragraph (2)(B).”.

SA 462. Mr. CORZINE (for himself and Mr. EDWARDS) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE —CHEMICAL SECURITY

SEC. .01. SHORT TITLE.

This title may be cited as the “Chemical Security Act of 2003”.

SEC. .02. FINDINGS.

Congress finds that—

(1) the chemical industry is a crucial part of the critical infrastructure of the United States—

(A) in its own right; and

(B) because that industry supplies resources essential to the functioning of other critical infrastructures;

(2) the possibility of terrorist and criminal attacks on chemical sources (such as industrial facilities) poses a serious threat to public health, safety, and welfare, critical infrastructure, national security, and the environment;

(3) the possibility of theft of dangerous chemicals from chemical sources for use in terrorist attacks poses a further threat to public health, safety, and welfare, critical infrastructure, national security, and the environment; and

(4) there are significant opportunities to prevent theft from, and criminal attack on, chemical sources and reduce the harm that such acts would produce by—

(A)(i) reducing usage and storage of chemicals by changing production methods and processes; and

(ii) employing inherently safer technologies in the manufacture, transport, and use of chemicals;

(B) enhancing secondary containment and other existing mitigation measures; and

(C) improving security.

SEC. .03. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) CHEMICAL SOURCE.—The term “chemical source” means a stationary source (as defined in section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2))) that contains a substance of concern.

(3) COVERED SUBSTANCE OF CONCERN.—The term “covered substance of concern” means a substance of concern that, in combination with a chemical source and other factors, is designated as a high priority category by the Administrator under section 404(a)(1).

(4) EMPLOYEE.—The term “employee” means—

(A) a duly recognized collective bargaining representative at a chemical source; or

(B) in the absence of such a representative, other appropriate personnel.

(5) **FIRST RESPONDER.**—The term “first responder” includes a firefighter.

(6) **FUND.**—The term “Fund” means the Technology Transition Fund Established under section ____08(a).

(7) **SAFER DESIGN AND MAINTENANCE.**—The term “safer design and maintenance” includes, with respect to a chemical source that is within a high priority category designated under section ____04(a)(1), implementation, to the extent practicable, of the practices of—

(A) preventing or reducing the vulnerability of the chemical source to a release of a covered substance of concern through use of inherently safer technology;

(B) reducing any vulnerability of the chemical source to a release of a covered substance of concern through use of well-maintained secondary containment, control, or mitigation equipment;

(C) reducing any vulnerability of the chemical source to a release of a covered substance of concern by implementing security measures; and

(D) reducing the potential consequences of any vulnerability of the chemical source to a release of a covered substance of concern through the use of buffer zones between the chemical source and surrounding populations (including buffer zones between the chemical source and residences, schools, hospitals, senior centers, shopping centers and malls, sports and entertainment arenas, public roads and transportation routes, and other population centers).

(8) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security.

(9) **SECURITY MEASURE.**—

(A) **IN GENERAL.**—The term “security measure” means an action carried out to increase the security of a chemical source.

(B) **INCLUSIONS.**—The term “security measure”, with respect to a chemical source, includes—

(i) employee training and background checks;

(ii) the limitation and prevention of access to controls of the chemical source;

(iii) protection of the perimeter of the chemical source;

(iv) the installation and operation of an intrusion detection sensor; and

(v) a measure to increase computer or computer network security.

(10) **SUBSTANCE OF CONCERN.**—

(A) **IN GENERAL.**—The term “substance of concern” means—

(i) any regulated substance (as defined in section 112(r) of the Clean Air Act (42 U.S.C. 7412(r))); and

(ii) any substance designated by the Administrator under section ____04(a).

(B) **EXCLUSION.**—The term “substance of concern” does not include liquefied petroleum gas that is used as fuel or held for sale as fuel at a retail facility as described in section 112(r)(4)(B) of the Clean Air Act (42 U.S.C. 7412(r)(4)(B)).

(11) **UNAUTHORIZED RELEASE.**—The term “unauthorized release” means—

(A) a release from a chemical source into the environment of a covered substance of concern that is caused, in whole or in part, by a criminal act;

(B) a release into the environment of a covered substance of concern that has been removed from a chemical source, in whole or in part, by a criminal act; and

(C) a release or removal from a chemical source of a covered substance of concern that is unauthorized by the owner or operator of the chemical source.

(12) **USE OF INHERENTLY SAFER TECHNOLOGY.**—

(A) **IN GENERAL.**—The term “use of inherently safer technology”, with respect to a chemical source, means use of a technology, product, raw material, or practice that, as compared with the technologies, products, raw materials, or practices currently in use—

(i) reduces or eliminates the possibility of a release of a substance of concern from the chemical source prior to secondary containment, control, or mitigation; and

(ii) reduces or eliminates the threats to public health and the environment associated with a release or potential release of a substance of concern from the chemical source.

(B) **INCLUSIONS.**—The term “use of inherently safer technology” includes input substitution, catalyst or carrier substitution, process redesign (including reuse or recycling of a substance of concern), product reformulation, procedure simplification, and technology modification so as to—

(i) use less hazardous substances or benign substances;

(ii) use a smaller quantity of covered substances of concern;

(iii) reduce hazardous pressures or temperatures;

(iv) reduce the possibility and potential consequences of equipment failure and human error;

(v) improve inventory control and chemical use efficiency; and

(vi) reduce or eliminate storage, transportation, handling, disposal, and discharge of substances of concern.

SEC. ____04. DESIGNATION OF AND REQUIREMENTS FOR HIGH PRIORITY CATEGORIES.

(a) **DESIGNATION AND REGULATION OF HIGH PRIORITY CATEGORIES.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary and the Administrator, in consultation with State and local agencies responsible for planning for and responding to unauthorized releases and providing emergency health care, shall promulgate regulations to designate certain combinations of chemical sources and substances of concern as high priority categories based on the severity of the threat posed by an unauthorized release from the chemical sources.

(2) **FACTORS TO BE CONSIDERED.**—In designating high priority categories under paragraph (1), the Secretary and the Administrator shall consider—

(A) the severity of the harm that could be caused by an unauthorized release;

(B) the proximity to population centers;

(C) the threats to national security;

(D) the threats to critical infrastructure;

(E) threshold quantities of substances of concern that pose a serious threat; and

(F) such other safety or security factors as the Secretary and the Administrator determine to be appropriate.

(3) **REQUIREMENTS FOR HIGH PRIORITY CATEGORIES.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary and the Administrator, in consultation with the United States Chemical Safety and Hazard Investigation Board, and State and local agencies described in paragraph (1), shall promulgate regulations to require each owner and each operator of a chemical source that is within a high priority category designated under paragraph (1), in consultation with local law enforcement, first responders, and employees, to—

(i) conduct an assessment of the vulnerability of the chemical source to a terrorist attack or other unauthorized release;

(ii) using appropriate hazard assessment techniques, identify hazards that may result

from an unauthorized release of a covered substance of concern; and

(iii) prepare a prevention, preparedness, and response plan that incorporates the results of those vulnerability and hazard assessments.

(B) **ACTIONS AND PROCEDURES.**—A prevention, preparedness, and response plan required under subparagraph (A)(iii) shall include actions and procedures, including safer design and maintenance of the chemical source, to eliminate or significantly lessen the potential consequences of an unauthorized release of a covered substance of concern.

(C) **THREAT INFORMATION.**—To the maximum extent permitted by applicable authorities and the interests of national security, the Secretary, in consultation with the Administrator, shall provide owners and operators of chemical sources with threat information relevant to the assessments and plans required under subsection (b).

(4) **REVIEW AND REVISIONS.**—Not later than 5 years after the date of promulgation of regulations under each of paragraphs (1) and (3), the Secretary and the Administrator shall review the regulations and make any necessary revisions.

(5) **ADDITION OF SUBSTANCES OF CONCERN.**—For the purpose of designating high priority categories under paragraph (1) or any subsequent revision of the regulations promulgated under paragraph (1), the Secretary and the Administrator may designate additional substances that pose a serious threat as substances of concern.

(b) **CERTIFICATION.**—

(1) **VULNERABILITY AND HAZARD ASSESSMENTS.**—Not later than 1 year after the date of promulgation of regulations under subsection (a)(3), each owner and each operator of a chemical source that is within a high priority category designated under subsection (a)(1) shall—

(A) certify to the Secretary that the chemical source has conducted assessments in accordance with the regulations; and

(B) submit to the Secretary written copies of the assessments.

(2) **PREVENTION, PREPAREDNESS, AND RESPONSE PLANS.**—Not later than 18 months after the date of promulgation of regulations under subsection (a)(3), the owner or operator shall—

(A) certify to the Secretary that the chemical source has completed a prevention, preparedness, and response plan that incorporates the results of the assessments and complies with the regulations; and

(B) submit to the Secretary a written copy of the plan.

(3) **5-YEAR REVIEW.**—Not later than 5 years after each of the date of submission of a copy of an assessment under paragraph (1) and a plan under paragraph (2), and not less often than every 3 years thereafter, the owner or operator of the chemical source covered by the assessment or plan, in coordination with local law enforcement and first responders, shall—

(A) review the adequacy of the assessment or plan, as the case may be; and

(B)(i) certify to the Secretary that the chemical source has completed the review; and

(ii) as appropriate, submit to the Administrator any changes to the assessment or plan.

(4) **PROTECTION OF INFORMATION.**—

(A) **DISCLOSURE EXEMPTION.**—Except with respect to certifications specified in paragraphs (1) through (3) of this subsection and section ____05(a), all information provided to the Administrator under this subsection, and all information derived from that information, shall be exempt from disclosure under section 552 of title 5, United States Code.

(B) DEVELOPMENT OF PROTOCOLS.—

(i) IN GENERAL.—The Secretary, shall develop such protocols as are necessary to protect the copies of the assessments and plans required to be submitted under this subsection (including the information contained in those assessments and plans) from unauthorized disclosure.

(ii) REQUIREMENTS.—The protocols developed under clause (i) shall ensure that—

(I) each copy of an assessment or plan, and all information contained in or derived from the assessment or plan, is maintained in a secure location;

(II) except as provided in subparagraph (C), only the Administrator (or a designee) and individuals designated by the Secretary may have access to the copies of the assessments and plans; and

(III) no copy of an assessment or plan or any portion of an assessment or plan, and no information contained in or derived from an assessment or plan, shall be available to any person other than an individual designated by the Secretary.

(iii) DEADLINE.—As soon as practicable, but not later than 1 year after the date of enactment of this Act, the Secretary shall complete the development of protocols under clause (i) so as to ensure that the protocols are in place before the date on which the Secretary receives any assessment or plan under this subsection.

(C) FEDERAL OFFICERS AND EMPLOYEES.—An individual referred to in subparagraph (B)(ii) who is an officer or employee of the United States may discuss with a State or local official the contents of an assessment or plan described in that subparagraph.

SEC. 05. ENFORCEMENT.

(a) REVIEW OF PLANS.—

(1) IN GENERAL.—The Secretary, in consultation with the head of the Administrator, shall review each assessment and plan submitted under section 04(b) to determine the compliance of the chemical source covered by the assessment or plan with regulations promulgated under paragraphs (1) and (3) of section 04(a).

(2) CERTIFICATION OF COMPLIANCE.—

(A) IN GENERAL.—The Secretary shall certify in writing each determination of the Secretary under paragraph (1).

(B) INCLUSIONS.—A certification of the Secretary shall include a checklist indicating consideration by a chemical source of the use of 4 elements of safer design and maintenance described in subparagraphs (A) through (D) of section 03(6).

(C) EARLY COMPLIANCE.—

(i) IN GENERAL.—The Secretary, in consultation with the head of the Administrator, shall—

(I) before the date of publication of proposed regulations under section 04(a)(3), review each assessment or plan submitted to the Secretary under section 04(b); and

(II) before the date of promulgation of final regulations under section 04(a)(3), determine whether each such assessment or plan meets the consultation, planning, and assessment requirements applicable to high priority categories under section 04(a)(3).

(ii) AFFIRMATIVE DETERMINATION.—If the Secretary, in consultation with the Administrator, makes an affirmative determination under clause (i)(II), the Secretary shall certify compliance of an assessment or plan described in that clause without requiring any revision of the assessment or plan.

(D) SCHEDULE FOR REVIEW AND CERTIFICATION.—

(i) IN GENERAL.—The Secretary, after taking into consideration the factors described in section 04(a)(2), shall establish a schedule for the review and certification of assessments and plans submitted under section 04(b).

(ii) DEADLINE FOR COMPLETION.—Not later than 3 years after the deadlines for the submission of assessments and plans under paragraph (1) or (2), respectively, of section 04(b), the Secretary shall complete the review and certification of all assessments and plans submitted under those sections.

(b) COMPLIANCE ASSISTANCE.—

(1) DEFINITION OF DETERMINATION.—In this subsection, the term “determination” means a determination by the Secretary that, with respect to an assessment or plan described in section 04(b)—

(A) the assessment or plan does not comply with regulations promulgated under paragraphs (1) and (3) of section 04(a); or

(B)(i) a threat exists beyond the scope of the submitted plan; or

(ii) current implementation of the plan is insufficient to address—

(I) the results of an assessment of a source; or

(II) a threat described in clause (i).

(2) DETERMINATION BY SECRETARY.—If the Secretary, after consultation with the Administrator, makes a determination, the Secretary shall—

(A) notify the chemical source of the determination; and

(B) provide such advice and technical assistance, in coordination with the head of the Office and the United States Chemical Safety and Hazard Investigation Board, as is appropriate—

(i) to bring the assessment or plan of a chemical source described in section 04(b) into compliance; or

(ii) to address any threat described in clause (i) or (ii) of paragraph (1)(B).

(c) COMPLIANCE ORDERS.—

(1) IN GENERAL.—If, after the date that is 30 days after the later of the date on which the Secretary first provides assistance, or a chemical source receives notice, under subsection (b)(2)(B), a chemical source has not brought an assessment or plan for which the assistance is provided into compliance with regulations promulgated under paragraphs (1) and (3) of section 04(a), or the chemical source has not complied with an entry or information request under section 06, the Secretary may issue an order directing compliance by the chemical source.

(2) NOTICE AND OPPORTUNITY FOR HEARING.—An order under paragraph (1) may be issued only after notice and opportunity for a hearing.

(d) ABATEMENT ACTION.—

(1) IN GENERAL.—Notwithstanding a certification under section 05(a)(2), if the Secretary, in consultation with local law enforcement officials and first responders, determines that a threat of a terrorist attack exists that is beyond the scope of a submitted prevention, preparedness, and response plan of 1 or more chemical sources, or current implementation of the plan is insufficient to address the results of an assessment of a source or a threat described in subsection (b)(1)(B)(i), the Secretary shall notify each chemical source of the elevated threat.

(2) INSUFFICIENT RESPONSE.—If the Secretary determines that a chemical source has not taken appropriate action in response to a notification under paragraph (1), the Secretary shall notify the chemical source, the Administrator, and the Attorney General that actions taken by the chemical source in response to the notification are insufficient.

(3) RELIEF.—

(A) IN GENERAL.—On receipt of a notification under paragraph (2), the Secretary or the Attorney General may secure such relief as is necessary to abate a threat described in paragraph (1), including such orders as are necessary to protect public health or welfare.

(B) JURISDICTION.—The district court of the United States for the district in which a threat described in paragraph (1) occurs shall have jurisdiction to grant such relief as the Secretary or Attorney General requests under subparagraph (A).

SEC. 06. RECORDKEEPING AND ENTRY.

(a) RECORDS MAINTENANCE.—A chemical source that is required to certify to the Secretary assessments and plans under section 04 shall maintain on the premises of the chemical source a current copy of those assessments and plans.

(b) RIGHT OF ENTRY.—In carrying out this title, the Secretary or the Administrator (or an authorized representative of the Secretary or the Administrator), on presentation of credentials—

(1) shall have a right of entry to, on, or through any premises of an owner or operator of a chemical source described in subsection (a) or any premises in which any records required to be maintained under subsection (a) are located; and

(2) may at reasonable times have access to, and may copy, any records, reports, or other information described in subsection (a).

(c) INFORMATION REQUESTS.—In carrying out this title, the Secretary or the Administrator may require any chemical source to provide such information as is necessary to—

(1) enforce this title; and

(2) promulgate or enforce regulations under this title.

SEC. 07. PENALTIES.

(a) CIVIL PENALTIES.—Any owner or operator of a chemical source that violates, or fails to comply with, any order issued may, in an action brought in United States district court, be subject to a civil penalty of not more than \$25,000 for each day in which such violation occurs or such failure to comply continues.

(b) CRIMINAL PENALTIES.—Any owner or operator of a chemical source that knowingly violates, or fails to comply with, any order issued shall—

(1) in the case of a first violation or failure to comply, be fined not less than \$2,500 nor more than \$25,000 per day of violation, imprisoned not more than 1 year, or both; and

(2) in the case of a subsequent violation or failure to comply, be fined not more than \$50,000 per day of violation, imprisoned not more than 2 years, or both.

(c) ADMINISTRATIVE PENALTIES.—

(1) PENALTY ORDERS.—If the amount of a civil penalty determined under subsection (a) does not exceed \$125,000, the penalty may be assessed in an order issued by the Secretary.

(2) NOTICE AND HEARING.—Before issuing an order described in paragraph (1), the Secretary shall provide to the person against which the penalty is to be assessed—

(A) written notice of the proposed order; and

(B) the opportunity to request, not later than 30 days after the date on which the notice is received by the person, a hearing on the proposed order.

SEC. 08. TECHNOLOGY TRANSITION FUND.

(a) ESTABLISHMENT.—The Secretary and the Administrator shall establish and administer a fund to be known as the “Technology Transition Fund”, consisting of the amount transferred to the Fund under subsection (c)(1).

(b) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be used by the Secretary and the Administrator to provide grants to chemical facilities that demonstrate financial hardship to assist those chemical facilities in transitioning to use of inherently safer technology.

(c) FUNDING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, out of any funds in

the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Fund, for use by the Secretary and the Administrator in carrying out this section, not later than 30 days after the date of enactment of this Act, \$50,000,000.

(2) RECEIPT AND ACCEPTANCE.—The Secretary and the Administrator shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred to the Fund under paragraph (1), without further appropriation.

(3) AVAILABILITY OF FUNDS.—Funds transferred under paragraph (1) shall remain available until expended.

SEC. 9. NO EFFECT ON REQUIREMENTS UNDER OTHER LAW.

Nothing in this title affects any duty or other requirement imposed under any other Federal or State law.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SA 463. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place; insert the following:

Section 501(b) of title V of division N of the Consolidated Appropriations Resolution, 2003 is amended—

(1) by striking “program authorized for the fishery in Sec. 211” and inserting “programs authorized for the fisheries in sections 211 and 212”; and

(2) by striking “program in section 211” and inserting “programs in sections 211 and 212”.

SA 464. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. ADJUSTED PAY DIFFERENTIALS FOR FEDERAL LAW ENFORCEMENT OFFICERS.

(a) ADJUSTED DIFFERENTIALS.—

(1) IN GENERAL.—Paragraph (1) of section 404(b) of the Federal Law Enforcement Pay Reform Act of 1990 (5 U.S.C. 5305 note) is amended by striking the matter after “follows:” and inserting the following:

“Area	Differential
Atlanta Consolidated Metropolitan Statistical Area	16.82%
Boston-Worcester-Lawrence, MA-NH-ME-CT-RI Consolidated Metropolitan Statistical Area	24.42%
Chicago-Gary-Kenosha, IL-IN-WI Consolidated Metropolitan Statistical Area	25.68%
Cincinnati-Hamilton, OH-KY-IN Consolidated Metropolitan Statistical Area	21.47%

“Area	Differential
Cleveland Consolidated Metropolitan Statistical Area	17.83%
Columbus Consolidated Metropolitan Statistical Area	16.90%
Dallas Consolidated Metropolitan Statistical Area	18.51%
Dayton Consolidated Metropolitan Statistical Area	15.97%
Denver-Boulder-Greeley, CO Consolidated Metropolitan Statistical Area	22.78%
Detroit-Ann Arbor-Flint, MI Consolidated Metropolitan Statistical Area	25.61%
Hartford, CT Consolidated Metropolitan Statistical Area	24.47%
Houston-Galveston-Brazoria, TX Consolidated Metropolitan Statistical Area	30.39%
Huntsville Consolidated Metropolitan Statistical Area	13.29%
Indianapolis Consolidated Metropolitan Statistical Area	13.38%
Kansas City Consolidated Metropolitan Statistical Area	14.11%
Los Angeles-Riverside-Orange County, CA Consolidated Metropolitan Statistical Area	27.25%
Miami-Fort Lauderdale, FL Consolidated Metropolitan Statistical Area	21.75%
Milwaukee Consolidated Metropolitan Statistical Area	17.45%
Minneapolis-St. Paul, MN-WI Consolidated Metropolitan Statistical Area	20.27%
New York-Northern New Jersey-Long Island, NY-NJ-CT-PA Consolidated Metropolitan Statistical Area	27.11%
Orlando, FL Consolidated Metropolitan Statistical Area	14.22%
Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD Consolidated Metropolitan Statistical Area	21.03%
Pittsburgh Consolidated Metropolitan Statistical Area	14.89%
Portland-Salem, OR-WA Consolidated Metropolitan Statistical Area	20.96%
Richmond Consolidated Metropolitan Statistical Area	16.46%
Sacramento-Yolo, CA Consolidated Metropolitan Statistical Area	20.77%
San Diego, CA Consolidated Metropolitan Statistical Area	22.13%
San Francisco-Oakland-San Jose, CA Consolidated Metropolitan Statistical Area	32.98%
Seattle-Tacoma-Bremerton, WA Consolidated Metropolitan Statistical Area	21.18%
St. Louis Consolidated Metropolitan Statistical Area	14.69%
Washington-Baltimore, DC-MD-VA-WV Consolidated Metropolitan Statistical Area	19.48%
Rest of United States Consolidated Metropolitan Statistical Area	14.19%”.

(2) SPECIAL RULES.—For purposes of the provision of law amended by paragraph (1)—

(A) the counties of Providence, Kent, Washington, Bristol, and Newport, RI, the counties of York and Cumberland, ME, and the city of Concord, NH, shall be treated as if located in the Boston-Worcester-Lawrence, MA-NH-ME-CT-RI Consolidated Metropolitan Statistical Area; and

(B) members of the Capitol Police shall be considered to be law enforcement officers within the meaning of section 402 of the Federal Law Enforcement Pay Reform Act of 1990.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1)—

(A) shall take effect as if included in the Federal Law Enforcement Pay Reform Act of 1990 on the date of the enactment of such Act; and

(B) shall be effective only with respect to pay for service performed in pay periods beginning on or after the date of the enactment of this Act.

Paragraph (2) shall be applied in a manner consistent with the preceding sentence.

(b) SEPARATE PAY, EVALUATION, AND PROMOTION SYSTEM FOR FEDERAL LAW ENFORCEMENT OFFICERS.—

(1) STUDY.—Not later than 6 months after the date of the enactment of this Act, the Office of Personnel Management shall study and submit to Congress a report which shall contain its findings and recommendations regarding the need for, and the potential benefits to be derived from, the establishment of a separate pay, evaluation, and promotion system for Federal law enforcement officers. In carrying out this paragraph, the Office of Personnel Management shall take into account the findings and recommendations contained in the September 1993 report of the Office entitled “A Plan to Establish a New Pay and Job Evaluation System for Federal Law Enforcement Officers”.

(2) DEMONSTRATION PROJECT.—

(A) IN GENERAL.—If, after completing its report under paragraph (1), the Office of Personnel Management considers it to be appropriate, the Office shall implement, within 12 months after the date of the enactment of this Act, a demonstration project to determine whether a separate system for Federal law enforcement officers (as described in paragraph (1)) would result in improved Federal personnel management.

(B) APPLICABLE PROVISIONS.—Any demonstration project under this paragraph shall be conducted in accordance with the provisions of chapter 47 of title 5, United States Code, except that a project under this paragraph shall not be taken into account for purposes of the numerical limitation under section 4703(d)(2) of such title.

(C) PERMANENT CHANGES.—Not later than 6 months before the demonstration project's scheduled termination date, the Office of Personnel Management shall submit to Congress—

(i) its evaluation of the system tested under the demonstration project; and

(ii) recommendations as to whether or not that system (or any aspects of that system) should be continued or extended to other Federal law enforcement officers.

(3) FEDERAL LAW ENFORCEMENT OFFICER DEFINED.—In this subsection, the term “Federal law enforcement officer” means a law enforcement officer as defined under section 8331(20) or 8401(17) of title 5, United States Code.

(c) LIMITATION ON PREMIUM PAY.—

(1) IN GENERAL.—Section 5547 of title 5, United States Code, is amended—

(A) in subsection (a), by striking “5545a.”;

(B) in subsection (c), by striking “or 5545a.”; and

(C) in subsection (d), by striking the period and inserting “or a criminal investigator who is paid availability pay under section 5545a.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 1114 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1239).

(d) APPROPRIATIONS.—There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, \$125,000,000, for purposes of subsection (a) of this section.

SA 465. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 6 of title I under the heading "BORDER AND TRANSPORTATION SECURITY" under the heading "OFFICE FOR DOMESTIC PREPAREDNESS", increase the amount appropriated by \$150,000,000.

In chapter 6 of title I, add at the end the following:

GENERAL PROVISIONS, THIS CHAPTER

SEC. 601. (a) AVAILABILITY OF FUNDS FOR FIRE PREVENTION AND CONTROL.—Of the amount appropriated by this chapter under the heading "BORDER AND TRANSPORTATION SECURITY" under the heading "OFFICE FOR DOMESTIC PREPAREDNESS", \$150,000,000 shall be available to carry out activities under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229).

(b) **RELATIONSHIP TO OTHER FUNDS.**—The amount available under subsection (a) for the activities referred to in that subsection is in addition to any other amounts available in fiscal year 2003 for such activities.

SA 466. Mr. SMITH (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. (a) None of the funds made available during fiscal year 2003 by this or any other Act may be made available to the Government of the Russian Federation unless the President determines and certifies in writing to the appropriate congressional committees that such Government is not enforcing any statute, executive order, regulation, or other government policy that would discriminate, or would have as its principal effect discrimination, against a religious group or a religious community in violation of an international agreement on human rights or religious freedoms to which the Russian Federation is a party.

(b) In this section the term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(c) The prohibition in subsection (a) shall take effect on the date that is 45 days after the date of the enactment of this Act.

SA 467. Mr. KYL (for himself and Mr. CAMPBELL) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes;

which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

PROHIBITION ON PROVIDING FUNDS FOR RECONSTRUCTION IN IRAQ TO ENTITIES FROM COUNTRIES THAT DID NOT PUBLICLY SUPPORT A UNITED NATIONS RESOLUTION AUTHORIZING THE USE OF FORCE IN IRAQ

SEC. 501. (a) No funds made available in this Act for purposes of reconstruction in Iraq may be provided, directly or indirectly through a subcontract or otherwise, to a person that is a resident of or is organized under the laws of a country that did not publicly commit to vote in favor of the draft resolution introduced in the United Nations Security Council by the United Kingdom, Spain, and the United States on March 7, 2003.

(b) The President may waive the prohibition described in subsection (a) for a person if the President determines that—

(1) such person possesses unique capabilities or expertise that are critical to the reconstruction of Iraq; and

(2) it is in the national interest of the United States to grant the waiver.

SA 468. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, strike lines 16 through 22.

SA 469. Mr. FRIST (for Ms. COLLINS (for herself, Mr. CARPER, and Mr. LIEBERMAN)) proposed an amendment to the bill S. 280, to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Postal Civil Service Retirement System Funding Reform Act of 2003".

SEC. 2. CIVIL SERVICE RETIREMENT SYSTEM.

(a) **DEFINITIONS.**—Section 8331 of title 5, United States Code, is amended—

(1) in paragraph (17)—

(A) by striking "normal cost" and inserting "normal-cost percentage"; and

(B) by inserting "and standards (using dynamic assumptions)" after "practice";

(2) by amending paragraph (18) to read as follows:

"(18) 'Fund balance' means the current net assets of the Fund available for payment of benefits, as determined by the Office in accordance with appropriate accounting standards, but does not include any amount attributable to—

"(A) the Federal Employees' Retirement System; or

"(B) contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 by or on behalf of any individual who became subject to the Federal Employees' Retirement System;" and

(3) by striking "and" at the end of paragraph (27), by striking the period at the end

of paragraph (28) and inserting "; and", and by adding at the end the following:

"(29) 'dynamic assumptions' means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

"(A) investment yields;

"(B) increases in rates of basic pay; and

"(C) rates of price inflation."

(b) **DEDUCTIONS AND CONTRIBUTIONS.**—

(1) **IN GENERAL.**—Section 8334(a)(1) of title 5, United States Code, is amended—

(A) by striking "(a)(1)" and inserting "(a)(1)(A)";

(B) by designating the matter following the first sentence as subparagraph (B)(i) and aligning the text accordingly;

(C) in subparagraph (B)(i) (as so designated by subparagraph (B)), by striking "An equal" and inserting "Except as provided in clause (ii), an equal"; and

(D) by adding at the end the following:

"(ii) In the case of an employee of the United States Postal Service, the amount to be contributed under this subparagraph shall (instead of the amount described in clause (i)) be equal to the product derived by multiplying the employee's basic pay by the percentage equal to—

"(I) the normal-cost percentage for the applicable employee category listed in subparagraph (A), minus

"(II) the percentage deduction rate that applies with respect to such employee under subparagraph (A)."

(2) **CONFORMING AMENDMENTS.**—Section 8334(k) of title 5, United States Code, is amended—

(A) in paragraph (1)(A), by striking "the first sentence of subsection (a)(1) of this section" and inserting "subsection (a)(1)(A)";

(B) in paragraph (1)(B)—

(i) by striking "the second sentence of subsection (a)(1) of this section" and inserting "subparagraph (B) of subsection (a)(1)"; and

(ii) by striking "such sentence" and inserting "such subparagraph"; and

(C) in paragraph (2)(C)(iii), by striking

"the first sentence of subsection (a)(1)" and

inserting "subsection (a)(1)(A)".

(c) **POSTAL SUPPLEMENTAL LIABILITY.**—Subsection (h) of section 8348 of title 5, United States Code, is amended to read as follows:

"(h)(1)(A) For purposes of this subsection, 'Postal supplemental liability' means the estimated excess, as determined by the Office, of—

"(i) the actuarial present value of all future benefits payable from the Fund under this subchapter attributable to the service of current or former employees of the United States Postal Service, over

"(ii) the sum of—

"(I) the actuarial present value of deductions to be withheld from the future basic pay of employees of the United States Postal Service currently subject to this subchapter pursuant to section 8334;

"(II) the actuarial present value of the future contributions to be made pursuant to section 8334 with respect to employees of the United States Postal Service currently subject to this subchapter;

"(III) that portion of the Fund balance, as of the date the Postal supplemental liability is determined, attributable to payments to the Fund by the United States Postal Service and its employees, including earnings on those payments; and

"(IV) any other appropriate amount, as determined by the Office in accordance with generally accepted actuarial practices and principles.

"(B)(i) In computing the actuarial present value of future benefits, the Office shall include the full value of benefits attributable to military and volunteer service for United

States Postal Service employees first employed after June 30, 1971, and a prorated share of the value of benefits attributable to military and volunteer service for United States Postal Service employees first employed before July 1, 1971.

“(ii) Military service so included shall not be included in the computation of any amount under subsection (g)(2).

“(2)(A) Not later than June 30, 2004, the Office shall determine the Postal supplemental liability as of September 30, 2003. The Office shall establish an amortization schedule, including a series of equal annual installments commencing September 30, 2004, which provides for the liquidation of such liability by September 30, 2043.

“(B) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year, for each fiscal year beginning after September 30, 2003, through the fiscal year ending September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by September 30, 2043.

“(C) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year for each fiscal year beginning after September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability over 5 years.

“(D) Amortization schedules established under this paragraph shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent dynamic actuarial valuation of the Civil Service Retirement System.

“(E) The United States Postal Service shall pay the amounts so determined to the Office, with payments due not later than the date scheduled by the Office.

“(F) An amortization schedule established under subparagraph (B) or (C) shall supersede any amortization schedule previously established under this paragraph.

“(3) Notwithstanding any other provision of law, in computing the amount of any payment under any other subsection of this section that is based upon the amount of the unfunded liability, such payment shall be computed disregarding that portion of the unfunded liability that the Office determines will be liquidated by payments under this subsection.

“(4) Notwithstanding any other provision of this subsection, any determination or redetermination made by the Office under this subsection shall, upon request of the Postal Service, be subject to reconsideration and review (including adjustment by the Board of Actuaries of the Civil Service Retirement System) to the same extent and in the same manner as provided under section 8423(c).”

(d) REPEALS.—

(1) IN GENERAL.—The following provisions of law are repealed:

(A) Subsection (m) of section 8348 of title 5, United States Code.

(B) Subsection (c) of section 7101 of the Omnibus Budget Reconciliation Act of 1990 (5 U.S.C. 8348 note).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be considered to affect any payments made before the date of the enactment of this Act under either of the provisions of law repealed by paragraph (1).

(e) MILITARY SERVICE PROPOSALS.—

(1) PROPOSALS.—The United States Postal Service, the Department of the Treasury, and the Office of Personnel Management shall, by September 30, 2003, each prepare

and submit to the President, the Congress, and the General Accounting Office proposals detailing whether and to what extent the Department of the Treasury or the Postal Service should be responsible for the funding of benefits attributable to the military service of current and former employees of the Postal Service that, prior to the date of the enactment of this Act, were provided for under section 8348(g)(2) of title 5, United States Code.

(2) GAO REVIEW AND REPORT.—Not later than 60 days after the Postal Service, the Department of the Treasury, and the Office of Personnel Management have submitted their proposals under paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of each such proposal to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

SEC. 3. DISPOSITION OF SAVINGS ACCRUING TO THE UNITED STATES POSTAL SERVICE.

(a) IN GENERAL.—Savings accruing to the United States Postal Service as a result of the enactment of this Act—

(1) shall, to the extent that such savings are attributable to fiscal year 2003 or 2004, be used to reduce the postal debt (in consultation with the Secretary of the Treasury), and the Postal Service shall not incur additional debt to offset the use of the savings to reduce the postal debt in fiscal years 2003 and 2004;

(2) shall, to the extent that such savings are attributable to fiscal year 2005, be used to continue holding postage rates unchanged and to reduce the postal debt, to such extent and in such manner as the Postal Service shall specify (in consultation with the Secretary of the Treasury); and

(3) to the extent that such savings are attributable to any fiscal year after fiscal year 2005, shall be considered to be operating expenses of the Postal Service and, until otherwise provided for by law, shall be held in escrow and may not be obligated or expended.

(b) AMOUNTS SAVED.—

(1) IN GENERAL.—The amounts representing any savings accruing to the Postal Service in any fiscal year as a result of the enactment of this Act shall be computed by the Office of Personnel Management for each such fiscal year in accordance with paragraph (2).

(2) METHODOLOGY.—Not later than July 31, 2003, the Office of Personnel Management shall—

(A) formulate a plan specifically enumerating the actuarial methods and assumptions by which the Office shall make its computations under paragraph (1); and

(B) submit such plan to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(3) REQUIREMENTS.—The plan shall be formulated in consultation with the Postal Service and shall include the opportunity for the Postal Service to request reconsideration of computations under this subsection, and for the Board of Actuaries of the Civil Service Retirement System to review and make adjustments to such computations, to the same extent and in the same manner as provided under section 8423(c) of title 5, United States Code.

(c) REPORTING REQUIREMENT.—The Postal Service shall include in each report rendered under section 2402 of title 39, United States Code, the amount applied toward reducing the postal debt, and the size of the postal debt before and after the application of subsection (a), during the period covered by such report.

(d) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the savings accruing to the Postal Service as a result of the enactment of this Act will be sufficient to allow the Postal Service to fulfill its commitment to hold postage rates unchanged until at least 2006;

(2) because the Postal Service still faces substantial obligations related to postretirement health benefits for its current and former employees, some portion of the savings referred to in paragraph (1) should be used to address those unfunded obligations; and

(3) none of the savings referred to in paragraph (1) should be used in the computation of any bonuses for Postal Service executives.

(e) POSTAL SERVICE PROPOSAL.—

(1) IN GENERAL.—The United States Postal Service shall, by September 30, 2003, prepare and submit to the President, the Congress, and the General Accounting Office its proposal detailing how any savings accruing to the Postal Service as a result of the enactment of this Act, which are attributable to any fiscal year after fiscal year 2005, should be expended.

(2) MATTERS TO CONSIDER.—In preparing its proposal under this subsection, the Postal Service shall consider—

(A) whether, and to what extent, those future savings should be used to address—

- (i) debt repayment;
- (ii) prefunding of postretirement healthcare benefits for current and former postal employees;
- (iii) productivity and cost saving capital investments;
- (iv) delaying or moderating increases in postal rates; and
- (v) any other matter; and

(B) the work of the President's Commission on the United States Postal Service under section 5 of Executive Order 13278 (67 Fed. Reg. 76672).

(3) GAO REVIEW AND REPORT.—Not later than 60 days after the Postal Service submits its proposal pursuant to paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of such proposal to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(4) LEGISLATIVE ACTION.—Not later than 180 days after it has received both the proposal of the Postal Service and the evaluation of such proposal by the General Accounting Office under this subsection, Congress shall revisit the question of how the savings accruing to the Postal Service as a result of the enactment of this Act should be used.

(f) DETERMINATION AND DISPOSITION OF SURPLUS.—

(1) IN GENERAL.—If, as of the date under paragraph (2), the Office of Personnel Management determines (after consultation with the Postmaster General) that the computation under section 8348(h)(1)(A) of title 5, United States Code, yields a negative amount (hereinafter referred to as a “surplus”)—

(A) the Office shall inform the Postmaster General of its determination, including the size of the surplus so determined; and

(B) the Postmaster General shall submit to the Congress a report describing how the Postal Service proposes that such surplus be used, including a draft of any legislation that might be necessary.

(2) DETERMINATION DATE.—The date to be used for purposes of paragraph (1) shall be September 30, 2025, or such earlier date as, in the judgment of the Office, is the date by which all postal employees under the Civil Service Retirement System will have retired.

(g) DEFINITIONS.—For purposes of this section—

(1) the savings accruing to the Postal Service as a result of the enactment of this Act shall, for any fiscal year, be equal to the amount (if any) by which—

(A) the contributions that the Postal Service would otherwise have been required to make to the Civil Service Retirement and Disability Fund for such fiscal year if this Act had not been enacted, exceed

(B) the contributions made by the Postal Service to such Fund for such fiscal year; and

(2) the term "postal debt" means the outstanding obligations of the Postal Service, as determined under chapter 20 of title 39, United States Code.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on the date of the enactment of this Act, except that the amendments made by section 2(b) shall apply with respect to pay periods beginning on or after such date.

SA 470. Mr. BAYH submitted an amendment intended to be proposed to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

In chapter 3 of title I, add at the end the following:

SEC. 314. Of the amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE" under the heading "OPERATION AND MAINTENANCE, ARMY", \$6,000,000 shall be available for the reactivation of two bomb lines at Crane Army Ammunition Activity, Indiana, in order to provide additional support and production for the Joint Munitions command bomb manufacturing capability.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, Subcommittee on Science, Technology, and Space, be authorized to meet on Wednesday, April 2, 2003, at 2:30 p.m., in SR-253, for a hearing on human space flight.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, April 2 at 9:30 a.m. to conduct an oversight hearing to examine issues relating to military encroachment.

The meeting will be held in SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Wednesday, April 2, 2003, at 10 a.m., to mark up original bills,

entitled, the Energy Tax Incentives Act of 2003; the Clean Diamond Trade Act; and the Tax Court Modernization Act. The Committee may also consider any or all of the following nominees: Mark Everson, to be Commissioner of Internal Revenue; Diane L. Kroupa, to be Judge of the United States Tax Court; Harry A. Haines, to be Judge of the United States Tax Court; Robert Allen Wherry, Jr., to be Judge of the United States Tax Court; Joseph Robert Goeke, to be Judge of the United States Tax Court; and, Raymond T. Wagner, Jr., to be Member of the Oversight Board, U.S. Department of Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 2, 2003 at 9:30 a.m. to hold a hearing on Foreign Assistance Oversight

Witnesses

AF Panel (Senator Alexander to Chair): Mr. William A. Bellamy, Principal Deputy Assistant Secretary, Bureau of African Affairs, Department of State, Washington, DC; The Honorable Constance Berry Newman, Assistant Administrator, Bureau for Africa, United States Agency for International Development, Washington, DC.

EUR Panel (Senator Allen to Chair): Mr. Charles P. Ries, Acting Assistant Secretary of State, Bureau of Europe and Eurasian Affairs, Department of State, Washington, DC; The Honorable Kent R. Hill, Assistant Administrator, Bureau of Europe and Eurasian Affairs, United States Agency for International Development, Washington, DC.

WHA Panel (Senator Coleman to Chair): Mr. J. Curtis Struble, Acting Assistant Secretary of State, Bureau of Western Hemisphere Affairs, Department of State, Washington, DC; The Honorable Adolfo A. Franco, Assistant Administrator, Bureau for Latin America and the Caribbean, United States Agency for International Development, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, April 2, 2003 at 10:00 a.m. to consider the nominations of the Clay Johnson, III to be Deputy Director for Management, Office of Management and Budget and Albert Casey and James C. Miller, III to be Governors for the United States Postal Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor,

and Pensions be authorized to meet in Executive Session during the session of the Senate on Wednesday, April 2, 2003.

The following agenda will be considered: S. Genetics Information Non-discrimination Act of 2003; S. Smallpox Emergency Personnel Protection Act of 2003; S. The Improved Vaccine Affordability and Availability Act; S. Caring for Children Act of 2003; S. 231, the ADAM Act.

Any nominees that have been cleared for action.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April 2, 2003, at 10 a.m. in Room 485 of the Hart Senate Office Building to conduct a hearing on S. 556, a bill to Reauthorize the Indian Health Care Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, Subcommittee on Communications, be authorized to meet on Wednesday, April 2, 2003, at 9:30 a.m., in SR-253, for a hearing on Universal Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 2, 2003, at 10 a.m., in open session to receive testimony on the Department of Energy's Office of Environmental Management and Office of Legacy Management in review of the Defense Authorization Request for Fiscal Year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

POSTAL CIVIL SERVICE RETIREMENT SYSTEM FUNDING ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 58, S. 380.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 380) to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Governmental Affairs, with an amendment.

[Strike out all after the enacting clause and insert the part printed in italic.]